Options for dealing with squatting

Persons Unknown

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“One of the things that the human race needed in order to exist was shelter; so with much painful labour they had constructed a large number of houses. Thousands of these houses were now standing unoccupied, while millions of people who had helped to build the houses were either homeless or herding together in overcrowded hovels.

These human beings had such a strange system of arranging their affairs that if anyone were to go and burn down a lot of the houses, he would be conferring a great boon upon those who had built them, because such an act would ‘Make a lot more work!’”

– Robert Tressell, The Ragged Trousered Philanthropists.

Introduction

In July 2011, the Ministry of Justice launched its consultation ‘Options for dealing with squatting’. Successive governments have attempted to deal with squatting, and from the outset it appeared that the new Conservative administration was determined to continue the crusade. It would do this not by addressing supply and demand, but by seeking to criminalise trespass; what was a civil matter between owners and occupiers, the government intended to make a matter for the police.

At the start of the government’s response document, they break down the respondents to the consultation:

We received a total of 2,217 responses to the consultation from individuals and from organisations. Broadly speaking, the types of respondents were as follows:

Victims of squatting (individuals and organisations)	10
Members of the public concerned about the harm squatting can cause	25
Members of the public concerned about the impact of criminalising squatting	2,126

Legal professionals and bodies	22
Law enforcers	2
Housing and homelessness charities	13
Academics	2
Government, local government and staff associations	7
Judiciary	2
Bailiffs and court enforcement	2
Landlords associations	4
Students/teaching unions	2

The reason for breaking down the types of response in this way seems to have been an attempt to downplay almost 90% of the responses that were against the criminalisation of squatting:

In summarising the consultation responses in the following sections, we have taken a qualitative rather than quantitative approach because 1,990 responses (i.e. almost 90 per cent of the total) were received in support of a campaign organised by Squatters' Action for Secure Homes (SQUASH). While we recognise that the statistical weight of responses was therefore against taking any action to deal with squatting, it is important that the views of other individuals and organisations are reflected in the summary of responses – even if in percentage terms, they are minority views.

But it wasn't just squatters and their supporters that were opposed to the criminalisation of trespass: in all, 96% of respondents said no to changing the law. That included homelessness charities Shelter and Crisis, as well as the Law Society, the Magistrates Association and even the Metropolitan Police Service. Only ten private landlords responded to the consultation to say that they had been negatively affected by squatting.

Just 6 days after the consultation responses were released, the government announced section 144, an amendment to the Legal Aid Sentencing and Punishment of Offenders bill (LASPO). The amendment was tacked on in the final stages of the parliamentary process and, if passed with the rest of the bill, would criminalise trespass in residential buildings. During what little parliamentary debate that took place on section 144, the Deputy Speaker, Mr. Slaughter, highlighted this legislative sleight of hand:

"At times it appears that there is a parallel bill: the agenda that the government wish to present to the media, or which the media dictate to the government.

"Sadly, the consequence for the House is that we do not have the opportunity to scrutinise the legislation properly. I do not know whether that is because the government have no confidence in or commitment to their own legislation and are simply going through the motions, [...] but the process of formulating the policy has been absurdly rushed, even by their standards. It

is wholly inappropriate to introduce major changes to criminal law on Report."

The Deputy Speaker went on to point out that the House was "thinly attended" and the debate "frankly low-key". LASPO – and section 144 with it – passed through the House by 237 votes to 13.

.....

"People are being made unnecessarily homeless and very vulnerable people are suffering as a consequence. This legislation was based upon prejudice and has only made matters worse."

– John McDonnell MP, March 2013

The act of seeking shelter in abandoned residential properties – squatting – has been dealt with in England and Wales: under section 144 of the Legal Aid Sentencing and Punishment of Offenders Act, anyone found putting a roof over their head in this way can be punished by up to six months in prison or a £5,000 fine. The first person to be jailed under the new law was Alex Haigh, a 21 year old brick-layer who, struggling to find work in the midst of a housing crisis, was living in a property in Pimlico, London that had been empty for over a year at the time of his arrest.

During the criminalisation debate John McDonnell reminded the House that it should ask of all legislation before it: "Will it cause more problems than it seeks to prevent?" At the time squatting in residential buildings was criminalised, there were over 750,000 properties that had stood empty for six months or

more; six months after criminalisation, none of the people arrested under the new law were found to be displacing a home-owner.

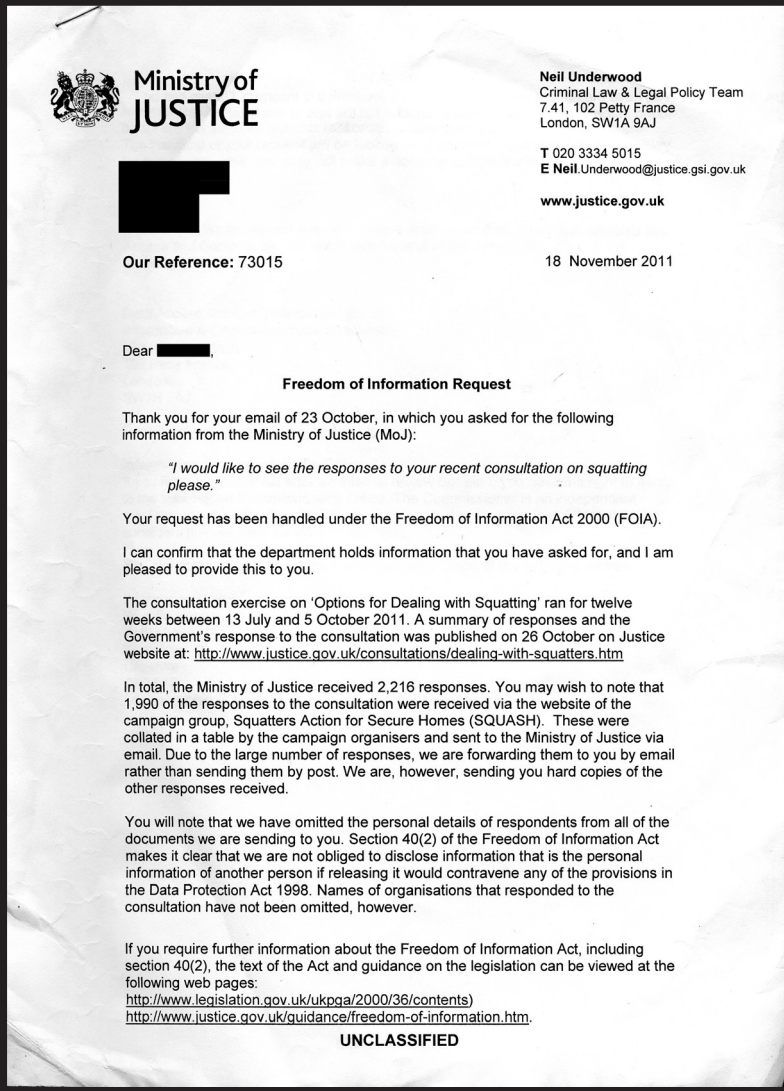
.....

We don't hear a lot from squatters. Operating on the fringes of society, they are often distrustful of those at its core – particularly mainstream media, government and the police – and can be reluctant to interact with them. Few of the people who write comment pieces about the problems caused by squatting seem to have first-hand knowledge of the subject. The number of ministers who have been inside a squat could surely be counted on one hand.

Consequently we know almost nothing about squatters and squatting. The government estimates that there are between 20,000 and 50,000 squatters – a difference that represents a large gap in their knowledge. Though definitions are constantly attempted, nobody seems able to say for sure who or what exactly a squatter is: they are variously portrayed as among the most vulnerable in society, opportunists, criminals, and revolutionaries.

Whoever they are, many of their responses – opinions that have otherwise been ignored – appear in the pages of this short book.

– Persons Unknown



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18 November 2011

Dear [redacted],

Freedom of Information Request

Thank you for your email of 23 October, in which you asked for the following information from the Ministry of Justice (MoJ):

"I would like to see the responses to your recent consultation on squatting please."

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the department holds information that you have asked for, and I am pleased to provide this to you.

The consultation exercise on 'Options for Dealing with Squatting' ran for twelve weeks between 13 July and 5 October 2011. A summary of responses and the Government's response to the consultation was published on 26 October on Justice website at: http://www.justice.gov.uk/consultations/dealing-with-squatters.htm

In total, the Ministry of Justice received 2,216 responses. You may wish to note that 1,990 of the responses to the consultation were received via the website of the campaign group, Squatters Action for Secure Homes (SQUASH). These were collated in a table by the campaign organisers and sent to the Ministry of Justice via email. Due to the large number of responses, we are forwarding them to you by email rather than sending them by post. We are, however, sending you hard copies of the other responses received.

You will note that we have omitted the personal details of respondents from all of the documents we are sending to you. Section 40(2) of the Freedom of Information Act makes it clear that we are not obliged to disclose information that is the personal information of another person if releasing it would contravene any of the provisions in the Data Protection Act 1998. Names of organisations that responded to the consultation have not been omitted, however.

If you require further information about the Freedom of Information Act, including section 40(2), the text of the Act and guidance on the legislation can be viewed at the following web pages:
http://www.legislation.gov.uk/ukpga/2000/36/contents)
http://www.justice.gov.uk/guidance/freedom-of-information.htm.

UNCLASSIFIED

Notes on construction

"The purpose of having a number of people use the same name is to examine practically the philosophical question of individuality."

– Karen Eliot

When squatters are to be evicted from a property they occupy, they receive a court order addressed to Persons Unknown; when the responses to the consultation came back, individual respondents' names had been redacted. Where respondents to the consultation were named organisations, their names have been given here; where respondents are individuals, they are identified only by the number the Ministry issued them and the title Persons Unknown.

Though 96% of respondents were against criminalisation, the Justice Minister was not wrong to highlight a wide spectrum of views and opinions presented in the responses. No attempt has been made to fact-check or edit responses to the consultation. It is hoped that this will better reflect the range and depth of feeling about squatting contained within.

You can see all of the responses to the consultation by making a Freedom of Information (FOI) request to the Ministry of Justice.

Question 1: Is squatting a particular problem in your area and where does it occur the most e.g. in residential or non-residential property? Were these properties empty/abandoned/derelict before they were occupied, or were they in use?

229 – Wandsworth Council

For Wandsworth Council, as a social landlord with some 17,000 tenanted properties in management, squatting is not a particular problem. In 2010/11, the Housing Department dealt with fewer than 4 cases of squatters in both residential and non-residential premises. Where squatting has occurred, it tends to be in street properties that have been referred for sale.

201 – Ealing Borough Council

Squatting mainly occurs in residential properties that are usually empty pending major works or demolition. Areas in the east of the borough tend to experience more frequent issues around squatting, which is often linked to estate regeneration.

71 – Persons Unknown

I don’t feel that squatting is a problem in my area. I am more worried about the number of empty buildings, which show no evidence that their owners intend to use them in the near future, and the number of people living on the streets. To me it would seem logical to allow people to use empty buildings. In many cases, squatters improve the neighbourhood by bringing

buildings into use, and in some cases they also provide services to the community.

53 – Persons Unknown

I would not term squatting a problem (unlike empty housing in areas of high rent); however, it is a common occurrence in my area (London). It occurs in a variety of properties, both residential and non-residential, but the properties have always been abandoned or are empty in the cases of squatting I have observed. In one example, the site had been used by its owners for illegal tipping of waste, and the squatters have cleared the land and put it to use as a living and community space.

47 – Persons Unknown

The problem in our area is not the squatters, but the number of derelict empties that have been abandoned for years and mismanaged by landlords and those who hold them in trust. When squatters entered the mixture of residential and non-residential properties, some of which had been empty for 7 years, they brought community, life and vibrance back to a dying part of London. They did not displace anyone, and were sorely missed when they were evicted and the steel shutters returned to the windows. Squatters were a great solution to the problem of empty properties in our area.

35 – Persons Unknown

Squatting is not a problem in my area. What is a problem, however, is the number of empty buildings

that are deliberately kept empty by the owners, often project developers, who often keep them uninhabitable, waiting for a better time to do them up, or let them go derelict on purpose, in order to be able to tear them down eventually. Many of these properties are, or could be, with relatively little cost, perfectly sound houses. Property speculation is the problem, not squatting.

64 – Persons Unknown

This question assumes that I see squatting as a ‘problem’. This is not my experience. Wherever I have encountered squatters in my area, they have brought abandoned buildings back into use as temporary social spaces as well as providing shelter for people who would otherwise be homeless.

107 – Persons Unknown

Squatting in my area of Durham County and Cleveland is not a problem, it is a good use of the empty buildings sat for months if not years empty, awaiting their deconstruction or simply ignored and abandoned by the owner. Squatting has never been an issue in occupied homes.

42 – Persons Unknown

In London I have only had positive experiences of squatters and squatting. In several cases buildings that had been empty for years and were becoming near to derelict have been improved and redecorated by squatters, to the benefit of all who live nearby. Empty buildings seem to be more of a problem as

they can be used as temporary bases for dangerous criminals and hard drug addicts, whereas those who legally squat and live for prolonged periods of time in previously empty buildings know that they are accountable to neighbours and are more likely to behave considerately.

1 – Persons Unknown

It's not a problem at all in my area. The small number of squats in the area are peacefully occupied, and would be simply derelict buildings if not used by squatters. The squatters make for good neighbours – definitely better than the buildings lying empty.

234 – Persons Unknown

Yes, for both residential and non-residential. It is a convenient central area, and nice to live in. They target properties being or awaiting refurbishment, causing tens of thousands of pounds worth of damage.

32 – MP for Finchley and Golders Green

In my constituency of Finchley and Golders Green, squatting appears to be a growing problem. The majority of properties affected are residential that are in use or are temporarily unoccupied, for reasons such as the owner being out of the country for an extended period of time, or renovation work being carried out.

Question 2: Please provide any evidence you have gathered on the number of squats and the nature of squatting in your area or nationwide.

201 – Ealing Borough Council

Between 1.12.07 to present, we have evicted a total of 28 squatters (21 in the east and 7 in the west of the borough).

68 – Slough Borough Council

We have had up to 12 squats in the Borough, in the last 12 months since Sept 2010. The squats have all consisted of typically Eastern European males, generally out of work, addicted to alcohol or drugs. These individuals are not in regular work and are therefore not exercising their treaty rights. They also have no recourse to public funds. There is a reluctance or direct reason for not wanting to return to their country of origin. These reasons include shame, addiction, rejection by family, relationship break up, avoidance of police or prison sentences back home and their situation or opportunities are better here in the UK.

32 – MP for Finchley and Golders Green

I have been contacted by 14 individual constituents in the past 12 months about squatting in their area, primarily from one ward – Hampstead Garden Suburb.

55 – Persons Unknown

In London there seems to be many squats doing

positive things. I have been to a squatted art gallery, cinema and cafe.

56 – Persons Unknown

There are a lot of people who have found themselves unable to pay high-rent and don't get proper help from the government, and therefore need to find an alternative for their housing.

53 – Persons Unknown

The set up of squats in previous places I lived (Oxford) was for the sole purpose of a free space for popular education and community meals, in an area where high rent prohibits these very positive places but there are buildings that are free.

47 – Persons Unknown

Within half a mile of my home, there have been at different times many squatted properties, in a mixture of residential and non-residential properties. The number of people who used these empties and were given shelter by them is hard to judge, as it provided both short and long-term shelter for people struggling with the housing crisis. From visiting the different properties, I can report that those in residence were extremely generous and community minded in using the empty properties to help people. One such building was used as a social centre and regularly hosted free events that benefitted the locals. At one such event, I can report over 60 participants, a mixture of people who squat and people who rent, and it was impossible to distinguish between them. Such uses of empty buildings are a credit to the people who used their initiative to bring them back into utility.

13 – Persons Unknown

Hackney has a large number of squatted sites, primarily in formerly inhabited estates which now stand empty, as long-term occupation is rare.

95 – Persons Unknown

Squatting in Brighton positive – using empty space and providing community arts and political projects.

107 – Persons Unknown

Squatting in my area has been a positive thing. People respect the properties they squat in and appreciate them, after all it is a roof over their heads when they would otherwise sleep in the open. Buildings have been well looked after and in some cases improved as squatters try to make the most of the property and at least attempt to make it a healthy and safe environment.

Squatters also deter those who wish to use properties for more negative reasons such as a 'drug hide-out', a place to drink when underage, a thing to wreck in the name of fun or as an illegal dumping ground.

123 – Persons Unknown

I know of many large community centres or art related squats in london and I believe that Bristol has a healthy and active squatting community also.

They provide diverse things such as free classes, which I have taken, in bicycle maintenance, basic plumbing, screen-printing, gardening, circus skills, life drawing, crochet and knitting, yoga and tai chi. I have also visited squats in London that are home to free cinemas, vegan cafes, poetry venues and artist studios. I have attended numerous talks, debates and lectures about different world issues, literature, geography and Situationism to name but a few topics. It was a fantastic place to meet interesting people and a lot of friendly faces. The nature of squatting in my area proves that squatting can provide a haven for creativity and for people to come together in their local areas and learn something new or get involved in fun projects.

1 – Persons Unknown

Nationwide, squatting is at its most common in large cities, where there are large numbers of properties that would otherwise lie empty for years. Squatters are an important part of local communities in Bristol, Manchester, London and other large cities.

Metropolitan Police Service

224 squats were identified across London as a result of the MPS survey. This included both residential and non-residential property, and single or multi-occupancy premises. No specific data was captured regarding the status of these properties prior to occupation, but the majority of the reports suggested that they were empty or abandoned.

Question 3: Do you have any information on the demographic profile of people who squat – e.g. do they share any of the protected characteristics set out in the Equality Act 2010? Do they live alone or with others?

1 – Persons Unknown

Most squatters live with others. Their demographic profile is similar to that of non-squatters.

13 – Persons Unknown

There appears to be a wide variety of people involved, however the primary population in the borough consists of economically disadvantaged and marginalised groups, including BME groups. Many are young.

42 – Persons Unknown

Many squatters were formerly homeless and thus a disproportionate number are vulnerable, often fitting in to the aforementioned protected characteristics. Many people, including young people, who are LGBTQ are made homeless by prejudiced parents, and rely on squatting to keep them off the streets.

Metropolitan Police Service

The demographic profile of squats and occupants can vary widely from borough to borough. The majority of squats appear to be inhabited by more than one person, and often a mix of nationalities. Premises can also house anywhere between 10-30 people in

some cases. Lifestyle arrangements can be transient, with people moving on to new houses in any given local area. This makes an accurate demographic assessment more difficult. However, a wide range of nationalities were identified as residing in squats. These included British, French, Indian, Irish, Italian, Sri Lankan and Spanish. 19 boroughs reported the significant presence of Eastern European squatters, a mix of A2/A8 nationalities but predominantly Romanian, Polish and Lithuanian nationals. Eastern Europeans were found across London but concentrated in North and East London areas.

29 – Transport for London

In most cases there is no direct communication with the squatters who are sued as “persons unknown”. From first hand evidence that is available, most of the squatters appeared to be young single persons of Eastern European and Italian origin, single males and females in their twenties who moved around in groups and habitually squat from one property to another with the assistance of the “squatter grapevine”.

234 – Persons Unknown

The people we encountered were multi-cultural, predominantly young middle class; circa 18 people sharing a small three floor terraced house; no way of telling about personal relationships. From the paperwork left behind, at least one had an unhealthy interest in radical Islam.

Question 4: Do you think that the current law adequately deals with squatting? Please explain your reasons.

72 – Persons Unknown

Current laws are more than enough – they should be repealed. As long ago as 1994, the Adam Smith Institute was recommending that squatters should be given properties that they had bought back into serviceable use.

55 – Persons Unknown

Yes, because it is unlawful to squat a place where someone lives. A fact which never seems to be discussed by the government or mainstream media.

53 – Persons Unknown

The current law deals with squatters fine, if anything squatting should be encouraged to make use of unused accommodation and reduce the need for more housing. I have come across police illegally evicting squatters because they are unaware of the laws (in Oxford) and so the current laws need to be enforced accurately.

28 – Persons Unknown

Yes. It is already a criminal offence to force entry or refuse to leave if displacing a resident. The law of adverse possession has evolved over many years and has some value as a check on irresponsible neglect of land and property where these are scarce resources

for a densely populated society.

15 – Persons Unknown

The current law is the result of previous administrations seeking a balance between the needs of those with no or no adequate housing and those owning property for which there is no current or immediate prospect of re-occupation. There does not seem to be any reason why circumstances in 2011 are so different that a change in the law is justified. The government should take into account the effect that the potential to have empty property squatted has as an incentive to land owners to secure re-use. This is of particular importance in a period of stable or even declining property values during which land owners might be increasingly reluctant to reoccupy property, in the expectation of an uplift in the future.

20 – Persons Unknown

I do not think the changes to the law on squatting and trespass are necessary and desirable. I think it could have unintended consequences. The current legal framework enables prosecution for criminal damage etc. I, for one, do not wish to live in a country where the freedom to roam, enjoy wild space, celebrate informally or creatively make use of derelict places is met with the force of the criminal law.

64 – Persons Unknown

The current law seems to enable property owners to evict squatters and then leave buildings empty to fall into further decay. As a woman, I would rather walk past a squatted building at night than a decaying and empty one.

123 – Persons Unknown

Legalise squatting to prevent the dereliction of buildings. The current law is adequate as owners who use their property as their place of residence – i.e. displaced residential occupiers (DROs) – are already adequately protected by section 7 of the Criminal Law Act 1977 (DROs and PIOs). I think people being able to land bank and sit on portfolios of empty properties whilst they crumble dangerously to the ground in neglect is a crime.

234 – Persons Unknown

No. It is not adequate by any stretch of the imagination. It is not a criminal offence; you are on your own dealing with a very difficult situation in trying to remove criminals from your home.

32 – MP Finchley and Golders Green

I do not believe the current law is adequate for the following reasons:

1. The current process of evicting squatters is time-consuming and expensive for the property owner, who should be treated as the victim of a distressing crime;

2. Where the ownership of the property is unclear, or where the owner is slow to take action, the neighbours of the property are powerless to have

the squatters evicted despite the distress and inconvenience they cause;

3. In cases in my constituency the current laws against forced entry to a property do not appear to be a deterrent. There is rarely clear and sufficient evidence for the police to take immediate action against squatters;

4. There is anecdotal evidence that England's squatting laws are so lenient that squatters are being attracted from elsewhere in the European Union.

36 – Persons Unknown

No – you might be able to get them out eventually but they are not 'punished' for the damage they do or the things they steal – http://www.dailymail.co.uk/news/article-2026723/Gypsies-immigration-officers-home-Proms.html

Also builder friend in financial difficulties (no affordable loans from banks) wanted to sell his bigger family house and move into small house he owned (tenancy ended). Tenant 'advised' by council to squat so she would be eligible for re-housing.

As a result small house is now being re-possessed (no rental income to pay mortgage) and he is liable for gas, elec, etc. used by squatters.

Also main house now being repossessed due to debts from building firm. He used to employ 20 people until banks stopped lending!!!!!!

Question 5: If you have taken steps to evict squatters from your properties, what difficulties have you encountered (if any) in removing squatters from your property using existing procedures? Have you had any positive experiences of using existing procedures?

234 – Persons Unknown

Initially on trying to enter the premises we were bombarded with bricks, slates and bottles thrown from upstairs windows. The police attended and were only interested in informing us of the squatters' rights; the police aided and abetted theft as they agreed with the squatter to withhold some of our tools! These tools and furniture that were in the premises were later stolen.

Court date is difficult to obtain. Costly exercise, in our case £20,553.20 was spent. After obtaining an Interim Possession Order we had to call on our local MP (Labour Emily Thornberry) to write to Chief Superintendent Mike Wise of Islington police, pointing out the law and his responsibility, as the police were totally disinterested.

At the hearing two of the squatters attended; when asked for identification by the District Judge they had none, but nonetheless were able to plead their case, and asked to continue occupation. They were asked if they had any rights to occupy expressed to them by the owners, verbally or in writing, thankfully they replied no; I firmly believe if they lied, we would not have been granted an IPO.

36 – Persons Unknown

Not had to myself yet, but cannot see how anyone has had any positive experiences. Even a ‘quick’ result costs time & money and is extremely stressful.

191 – Cornwall Residential Landlords Association

In all cases where the police have been asked for assistance our members found the police sympathetic and co-operative as far as they are able. The problem of providing proof as to who actually caused the damage required to break in to the property has often led the police to consider the complaint to be a domestic issue.

The length of time taken to go through the court process is always viewed as beneficial to the squatters. The cost of damage done by these people (some of it is quite extensive) was never recouped through the courts whether in domestic or commercial premises. The cost to the neighbourhood is not measurable, but anecdotal evidence suggests the damage to the community due to anti-social behaviour on the part of the squatters and the rubbish left in and around the property caused many people to move out of the area.

Only a few members have approached squatters directly. Where members have not taken this action it has been due to fear of aggression and violence on the part of the squatters. Those few who have approached squatters have all been intimidated by threatened or actual physical violence.

Question 6: Do you think there is a need for a new criminal offence of squatting?

32 – MP Finchley and Golders Green

I do because:

1. A criminal offence would empower the police to take immediate action against squatters;

2. Property owners who have their homes occupied should be treated as victims of crime, thus saving them both time and money;

3. It would act as a deterrent, assuming the penalty was adequately severe;

4. I believe it would reduce incidents of squatting to levels similar to that in Scotland, where squatting has been a criminal offence since 1865.

Law Society

Section 7 is not often used, because squatting happens infrequently, but where it is, our members report that it is extremely effective.

Metropolitan Police Service

The law is broadly in the right place, and the existing array of offences allow us to tackle the worst cases of squatting (e.g. where squatters cause the homeowner to be displaced).

82 – Persons Unknown

It has the potential of ignoring the issue of affordable homes and perpetuating the problem of homelessness. If the laws focus on the power and unacceptable evils of aggression involved in eviction, then no. If the laws look at making suitable property even temporarily available, in cities particularly, then yes.

28 – Persons Unknown

No. It would be difficult to define all the various circumstances, exemptions, property types, etc. The number of Interim Possession Orders indicates that this really is quite a small problem for society (although it can be a large problem for a small number of individuals). The 'tradition' of squatting, traced back to the Diggers has undoubtedly had benefits for society.

13 – Persons Unknown

No. Criminalisation will simply pile more pressure onto the criminal justice system at a time of cutbacks, over actions which are generally no more than an inconvenience.

42 – Persons Unknown

Absolutely not. All evidence that I have come across suggests that this would needlessly criminalise thousands who do no harm and be an unnecessary strain on the police force. What damage is done by a minority of squatters – criminal damage and displacing

residents – is already a criminal offence. There is no need to make an offence of the act of squatting itself.

234 – Persons Unknown

Yes. The civil offence of squatting is totally biased in favour of the squatter. They walk away from causing mayhem and damage scot-free, and in our case they went less than 500 metres and broke into another property.

29 – Transport for London

Yes. Squatters are now highly organised and efficient and are fully conversant with the limits of the civil law. Many properties are targeted and surveyed by squatters before gaining entry and TfL has evidence of tunnels being dug at basement level between adjoining properties, power supplies jerry-rigged and running free to provide light and heating. There are even suggestions that there is a squatting hierarchy where certain groups have ousted other groups of squatters. Such issues suggest there ought to be a much greater deterrent than currently exists which should involve sanctions. There is an increased trend towards causing damage to squatted properties rather than a genuine need for housing purposes. Often damage is caused to fittings, gratuitous graffiti, and on a number of occasions excreta on walls etc.

Question 7: If so, do you agree with the basic definition of squatting set out in paragraph 21 (i.e. the unauthorised entry and occupation of a building)?

55 – Persons Unknown

What is a squatter? Is it a tenant who is being evicted from their house unreasonably, is it a student having a sit-in, is it a homeless person in an abandoned building sheltering from the rain? How can we define squatter?

35 – Persons Unknown

I do not agree. For one thing, the definition is open to abuse, for example where people have become the victims of fraudulent landlords or letting agents, or in the case of political actions where buildings are occupied in protest. We have recently seen enough examples of mis-use of legislation to warrant such a fear.

234 – Persons Unknown

Yes. Breaking into a building of any type is a criminal offence of breaking and entering. The squatters always say the premises were open and the law gives them the benefit of the doubt, this has to change. I have never understood the difference between a so-called squatter breaking and entering, and that of a burglar. Personally I would rather be burgled, as it is infinitely less complicated.

Question 8: How should the term 'occupation' be defined? Should it cover those who occupy a building for a short period (e.g. a couple of hours)?

8 – Persons Unknown

The criminalisation of trespass will also impact the right to express ones beliefs, in Article 10 (ECHR). The right to protest by occupation is placed under threat by the proposals to criminalise trespass where there is no damage to property. Protests such as the UK Uncut occupations should be allowed in a democratic society, where they do not fall foul of existing provisions criminalising criminal damage or theft. The demands of private business in these regards should not be put above the right of the individual citizen to protest.

64 – Persons Unknown

No. I would not want to see a law implemented which effectively criminalised those who occupy buildings as part of their right to protest.

123 – Persons Unknown

I do not agree with the creation of a new criminal offence of squatting. This is partly because there is no way to define squatting without encountering the problems of eroding tenants rights and political rights, which the consultation itself acknowledges in paragraph 23. The issues raised in this paragraph are incredibly serious, with ramifications far beyond the specific issue of 'squatting'.

234 – Persons Unknown

It should cover all occupations in all buildings. There is an argument that a protest could be a held in a public building for a couple of hours, but if the protest continues, when does it become an offence? The damage caused and disruption to legitimate occupiers is not acceptable. If squatters/protesters managed to gain entrance and occupy Buckingham Palace, how would they be treated? I would like to hope it would be similar for all other properties.

32 – MP Finchley and Golders Green

The two hour time frame would prevent immediate action by the police.

36 – Persons Unknown

There should be a presumption that a building was 'secure' and the individuals should be 'done' for breaking into the building (plus any damage) even if not for 'squatting'.

29 –Transport for London

Occupation should have its literal meaning i.e. that a person is in actual occupation of premises at a particular time – the period of occupation is immaterial.

Question 9: What buildings should be covered by the offence? Should it cover all buildings or only some (e.g. should it cover public and private buildings, outbuildings, abandoned or dilapidated buildings, or buildings that have been empty for a long time)?

32 – MP Finchley and Golders Green

To ensure the law does not impede on legitimate protest, the offence should be limited to private property – both residential and commercial.

The state of the building should not be a concern. I believe that local authorities should make better use of their existing Compulsory Purchase Order powers to bring derelict buildings back into use. This should not be a matter for central government.

Metropolitan Police Service

Again, it is the view of the MPS that the current law provides an appropriate framework of offences for dealing with incidents of squatting but that any amendments may help assist appropriate enforcement. However, should squatting become a criminal offence the definition of a 'building' should perhaps be linked to usage, and driven by reports from victims. In these circumstances enforcement is more likely to take place where buildings are in use, and not where abandoned or dilapidated, or where buildings have been empty for a long time. Such an approach may also help with preventing false or vexatious allegations.

Question 10: Do you think there should be any exemptions to any new offence? If so, who should be exempt and why?

15 – Persons Unknown

It should be an absolute defence against prosecution to show that no damage has been caused which has not been balanced by improvements and an offer to reinstate damage caused through entry.

1 – Persons Unknown

If squatting is made illegal (and I do not believe it should be), then an exemption should be made for those who are homeless, squatting places to live in.

32 – MP Finchley and Golders Green

I would welcome a clause that allowed some discretion for those who were genuinely unaware that they were trespassing.

33 - Persons Unknown

Making people homeless instantly is a very tough response. Any person who is suffering a serious illness should be given time to leave.

29 - Transport for London

We can see no reason for any exemption. If exemptions were granted then it is likely the rules on exemption would be quickly manipulated and exploited by organised squatting groups.

Question 11: Do you agree that the existing law provides adequate protection against false accusations?

55 – Persons Unknown

It appears that the law is very often on the side of the property owners (contrary to recent press coverage). I have seen squats get an IPO only for the building to be left empty for many months, some have been re-squatted for years. Why evict people, forcing them to be homeless, just to leave a building empty? As a rent payer, I am also concerned that I could be falsely named a squatter and evicted unlawfully – this has happened.

64 – Persons Unknown

No. I was the victim of an unscrupulous landlord who first tried to evict me as a squatter and, when I pointed out (through a solicitor) that I knew my rights as a tenant, set fire to the building. Officers in the fire investigation service who interviewed me at the time said he was well known for this tactic but that there was never enough evidence to bring him to justice.

Metropolitan Police Service

Yes. Section 12 of the Criminal Law Act 1977 clearly sets out the definition of a Displaced Residential Occupier and Protected Intended Occupier, and provisions under Section 12A (8) as ammended clearly describe an offence of making a false statement as a Protected Intended Occupier.

Question 12: If not, what other steps could be taken to protect legitimate occupiers from malicious allegations?

64 – Persons Unknown

Tenants require a great deal more protection than they currently have. Aside from being accused of being squatters, people who are renting privately have to suffer inadequate housing at exorbitant rents, often without tenancy agreements which leaves them vulnerable to being made homeless when their rent is raised above their ability to pay.

312 – Property Litigation Association

Our members are not aware of malicious allegations having been made against legitimate occupiers. We suspect that this does not commonly occur.

314 – Lambeth Law Centre

Our experience is that the police on the ground have little knowledge of the law in relation to unlawful eviction and harassment by landlords (both criminal offences). We have no confidence the police would deal any better with new laws on criminal offences relating to squatting or false accusation by landlords.

We consider that the scrutiny of the courts is necessary to protect all occupiers from wrongful eviction from their homes, including squatters.

Question 13: What do you think would be the most appropriate maximum penalty for a new squatting offence?

15 – Persons Unknown

The cost of physical repairs directly attributable to the squat (unless the property is due to be redeveloped). There is a precedent for this in the case of fines for unauthorised works to protected trees as related to the value of the tree.

64 – Persons Unknown

A small fine, waived if the squatters are homeless.

234 – Persons Unknown

The crime is on par with aggravated burglary, and the punishment should be similar.

When we were dealing with squatters, through sheer frustration I could have taken the law into my own hands, and no doubt spent the rest of my life in prison. The level of disruption and stress caused is unquantifiable; to this day my grandchildren will not enter the house which squatters occupied, and they were planning to live in that property.

32 – MP Finchley and Golders Green

A prison sentence for repeat offenders to act as a deterrent.

Question 14: In your experience (e.g. as Displaced Residential Occupier or Protected Intending Occupier or as a law enforcer), how effective is the existing offence in section 7 of the Criminal Law Act 1977?

71 – Persons Unknown

I have never heard any first hand reports of squatters occupying buildings that are already lived in, and I believe these stories are largely media fiction intended to manipulate people into believing that squatters pose a threat to them. If such cases exist then DROs are already adequately protected by law.

47 – Persons Unknown

In my experience, the majority of squatters occupy buildings that are not intended for living in by a DRO or PIO. The problem being that they have to move out when they return. The number of empty properties which are genuinely abandoned require only interim possession orders for owners to retake possession. We have never squatted a building whose owner needed to use section 7 of the Criminal Law Act, and similarly have never met squatters who have required it. The DRO is a media-myth, created out of all proportion to the reality of housing in London.

107 – Persons Unknown

It should be pointed out that squatting in occupied properties is largely a complete fiction of the media used to sell papers, which causes rage and bias towards the squatting community, based on a complete lack of knowledge. Squatters not being mindless vandals, and actually decent people, state that in the unlikely event that they squatted an occupied home unbeknown to them they would happily move on.

123 – Persons Unknown

Section 7 makes it a criminal offence to fail to leave a property after “being required to do so by or on behalf of either a displaced residential occupier (DRO) or a protected intending occupier (PIO) for the premises.” Legislation concerning DIOs is effective, and cases of people squatting homes which are already lived in is largely a fiction propagated by the mainstream media and false government statements. There is basically no evidence of it happening, and if it were to happen, homeowners have adequate protection already.

Squatters do not move into buildings that are lived in by other people. It is a ridiculous notion. Squatters choose long-term empty or abandoned properties to get the best chance of staying for as long as possible. They do not want to move every two minutes or genuinely displace people.

32 – MP Finchley and Golders Green

In my constituents experience section 7 is of little use as squatters refuse to leave voluntarily and instead wait for a possession order. I am not aware of any cases in my constituency where squatters have left the property following a simple request by the owner.

Question 15: How does the definition of 'Displaced Residential Occupier' and 'Protected Intending Occupier' work in practice?

64 – Persons Unknown

It seems to me that these terms are used to secure evictions when there is no intention of bringing the property back into use.

123 – Persons Unknown

I know of several example where squatters have been evicted under PIO but the property has remained empty and unused after the eviction, including neglected council properties. This is the worst thing to see, especially when there are so many people on waiting lists. Squatters frequently fix up and maintain the properties they live in. I know of one council house in Tower Hamlets that had been left empty for more than a year with a mountain of rubbish in the yard, left by the previous tenants, attracting a multitude of pests (rats, cockroaches etc), which the neighbours had complained about for months and nothing was done by the council to remove it. The squatters carried all the rotting bin bags up the road and deposited them in a number of public bins and bins belonging to a large block of flats across the road. The neighbours were very supportive of them and wrote a letter commending them to the council in the hope they wouldn't be evicted. The were evicted after 4months; the building has been empty ever since (9 months).

Question 16: If we were to expand section 7 so that it covered squatters who refused to leave other types of building when required to do so by the rightful occupier, what type of buildings and what type of occupier should be specified?

56 – Persons Unknown

I argue against such an expansion of section 7, which would require on the spot adjudication by police, and that instead courts should continue to decide who is entitled to possession (i.e. determine who the 'rightful occupier' in fact is)

47 – Persons Unknown

Section 7 should not be expanded. The courts should be continued to be used to determine who has right of possession. Police should not have powers of adjudication over issues to do with squatting. Due to a shocking lack of knowledge and appropriate application of existing laws, any expansion of section 7 would lead to a severe erosion of civil liberties, with a likely emerging problem of the powers being used to further the persecution of vulnerable adults.

64 – Persons Unknown

Section 7 should not be expanded. Commercial properties are exactly the type of buildings that are often left to decay when they could be providing a temporary home.

Question 17: If section 6 were amended to exempt additional categories of people from the offence, which categories should be exempted? Are there any categories of people that should not be exempted?

64 – Persons Unknown

It seems to me that section 6 is the only protection squatters have against landlords who attempt violent, illegal evictions.

123 – Persons Unknown

I would argue against adding categories of person to exemption from Section 6. This is in effect the expansion of rights to use 'self-help' violence (using force to break back into a property if someone inside is opposed to entry). Such an expansion poses serious risks to the safety of the individuals inside, whilst also placing property owners, and their agents, into positions where they are at risk of committing serious criminal charges such as assault. It will be incredibly difficult to police, and to determine on the spot, whether or not a person does in fact fall into a 'correct category'. It particularly grants the rights to use 'self-help' violence to the corporate sector, which has the resources to employ private agents against the rights of the individual.

42 – Persons Unknown

It should not be expanded as this puts individuals at risk of violence and would be very hard to effectively police.

Question 18: Do you know of circumstances where the section 6 offence has been used – was it used to protect a tenant from forcible entry by a landlord or was it used for other reasons, e.g. to stop a violent partner from breaking back into his home? Please describe the circumstances.

47 – Persons Unknown

I do not know of any specific cases, but I can see how helpful it is to discourage property owners from besieging their own properties.

398 – Persons Unknown

In the only case I know of, S6 should have been used by the police to charge a fraudulently registered property owner and his gang of "heavies" with the criminal offence, which the police later admitted had been committed, but it was not used because the police were uncertain about the precise extent of the existing exemptions.

Metropolitan Police Service

Section 6 has proven to be an important tool when seeking to protect vulnerable individuals, especially in circumstances relating to domestic violence. 230 section 6 offences have been recorded by the MPS over the past five years, with 31 in the last 12 months. The majority of these offences related to ex-partners forcing their way back into a home. One offence committed in the last 12 months describes a suspect impersonating a bailiff and attempting to force entry with a sledge hammer.

Question 19: What barriers (if any) are there to the enforcement of the existing offences and how could they be overcome?

56 – Persons Unknown

Many of the offences supposedly committed by squatters are in fact of a very trivial nature. Many property owners find the repairs squatters carry out on their empty properties very useful and not, in fact, 'criminal damage'.

55 – Persons Unknown

Police need to be better informed and lack prejudice. Training should be given which firmly states that squatters are not criminals, and should not be treated as such.

Annington Holdings PLC

In Annington's experience, enforcement is the crux of the problem. Our past experiences have shown that delays arise in removing squatters from properties due to limitations on police resources.

47 – Persons Unknown

Many landlords and police officers are poorly informed as to the nature and validity of existing laws. It isn't that new legislation is required, but existing laws need to be appropriately enforced through education and understanding. This includes putting an end to the deliberate misleading of the public over squatting and people who squat, and instead focus being put on the

waste and crime of empty buildings in a society where people have nowhere to live.

123 – Persons Unknown

Police need more specific training in possession issues and the realities of false statements given by property owners.

42 – Persons Unknown

I have heard of cases where police have enabled illegal eviction, perhaps due to insufficient training or not having read the government guidelines. This should be addressed.

234 – Persons Unknown

The definition of squatting needs clear definition. It is minimalising the offence by categorising it as trespass. If an unauthorised person is in any building then they are committing a criminal offence of breaking and entering; I don't subscribe to the assumption that all these buildings are left open. There should be no exempt categories as the law needs to be clear for the police to ensure they can deal with the criminals effectively.

32 – MP Finchley and Golders Green

There appears to be reluctance by the police to use existing powers, but I believe this is because of their ambiguity, the difficulty in proving forced entry in particular and the accepted practice of removing squatters through possession orders.

Question 20: Are you aware of the Government's new guidance on evicting squatters under existing laws? If so, is it helpful? Do you think the guidance could be improved in any way?

Metropolitan Police Service

The DCLG/MoJ Guidance on evicting squatters provides helpful advice to property owners and makes clear the reality of 'squatters rights'. An amended version of this guidance, detailing enforcements options and powers of entry, would usefully inform a revised training package for police.

307 – Persons Unknown

There is a lack of information on existing laws in the public. This is how misunderstanding occurs. The public awareness campaign is necessary to avoid any adverse stories like 'went out to the shop to get a snack whilst my house got squatted'.

314 – Lambeth Law Centre

It would be helpful for the government to prepare guidance for property owners on their responsibilities and legal duties when they become landlords.

298 – Persons Unknown

Yes, scrap it.

Question 21: If any proposals in this document were to be adopted, what impact would this have on you, your organisation or those whose welfare you promote?

71 – Persons Unknown

I believe that if the proposals were adopted they would have a general negative effect on my community by discouraging positive community activity and increasing the number of people living on the streets.

55 – Persons Unknown

As a non-homeowner, I am concerned about my rights; as a student I am concerned about my lawful right to protest; and as a human being, I am concerned for the homeless people who will be criminalised for merely trying to survive.

56 – Persons Unknown

Badly. I know of many vulnerable people who squat, and they will be seriously damaged and affected by it. Why target the weak and vulnerable?

47 – Persons Unknown

Our immediate community of people who squat includes a number of people with addiction issues, the unemployed, artists, people who have been illegally evicted by landlords, and people with mental health issues. Squatting provides shelter and safety within sympathetic communities, allowing people the space and support to recover, reassess and

repair their life. The criminalisation of these people would severely impede their integration into society, entrenching homelessness as a criminal offence and further stigmatising socially excluded groups within the UK.

35 – Persons Unknown

As a member of society and a resident of a country that claims to protect the vulnerable, I am concerned that new laws are more geared towards protecting the powerful against the powerless than the other way around. I would appreciate to see more compassion, and less protection of greed in changing legislation.

28 – Persons Unknown

Had the proposals to criminalise squatting been in place historically, I would now have a criminal record. With friends, we squatted an abandoned farmhouse some 30 years ago. It had been empty for about 15 years. We fixed the roof, made various repairs to the property, and tended the garden. The owner of the property was alerted to our presence when we applied for an electrical connection. We were evicted after a very short court hearing. The property was then put up for sale, and we managed to buy it. Our endeavours were supported by the Parish Council and we had much support from a range of people concerned that properties could be neglected so, to the detriment of an area and community.

13 – Persons Unknown

Groups which I am in contact with, including the

London Coalition Against Poverty and the Advisory Service for Squatters would be strongly impacted, as they deal with among the most vulnerable in Britain. Many would find themselves left with no option but to sleep on the streets or in dangerously (increasingly) overcrowded hostels or face criminalisation. In Hackney, the impact of perhaps hundreds of people who are currently independent of council aid being forced to ask for help both from state and third sector bodies would be catastrophic, impacting on aid to other groups at a time where huge cutbacks are being planned for the borough.

Metropolitan Police Service

Criminalisation of squatting and subsequent enforcement would have an impact on policing, in terms of community relations, local policing objectives and cost.

There would be a clear public expectation regarding enforcement. At the same time contentious debate surrounding the subject may generate protest from groups who support squatting and voice concern about housing issues in London. This could attract further attention with changes to housing benefit and pressure on social housing.

64 – Persons Unknown

It seems to me that any move to criminalise squatting would, particularly in the current economic climate, lead to an increase in homelessness which I would find completely unacceptable. The tabloid press already portrays both squatters and homeless people

as criminals and reports on the rare cases where peoples homes have been occupied, ignoring the many squatters who occupy abandoned commercial premises, warehouses and council properties and keep these properties in a state of reasonable repair.

42 – Persons Unknown

It would cause me distress as several of my friends would be made homeless and may need to stay with me for extended periods of time, or require other forms of support.

234 – Persons Unknown

If squatting became a criminal offence it would incentivise us to start investing again in residential property.

32 – MP Finchley and Golders Green

Making squatting a criminal offence would have a considerable impact on the welfare of many of my constituents. The distress of those that have their homes occupied is obvious, but the length and cost of the legal process that many need to achieve an eviction is often not taken into account. In addition, neighbours of an occupied property are often disturbed, and worried about the security of their own home.

Perhaps most importantly, when my constituents have discovered that squatting is not a criminal offence they are at first amazed and then deeply frustrated. Those affected simply do not believe the law is on their side.

Question 22: Do respondents who identify themselves as having a protected characteristic (listed in paragraph 39) or who represent those with protected characteristics think any of the proposals would have a particular impact on people who fall within one of the protected characteristics? If so, why?

195 – St. Mungo's

As an organisation helping people to recover from homelessness we cannot support measures that would criminalise homeless people. We also cannot support measures that would force more vulnerable homeless people to sleep rough. We believe that helping homeless people who live in squats to enter into services that can support their recovery should be the government's priority.

306 – Persons Unknown

Squatters are part of a group referred to as 'hidden homeless' (people who do not sleep on the street but do not have a home of their own). This group contains far more vulnerable people than the general population. The kind of large, long-term vacant properties which are usually squatted are owned by those with considerable financial assets and usually several other properties in addition to their own home. Making squatting a criminal offence would empower the powerful over the vulnerable. It would force the police and criminal courts to deal with people who are almost entirely non-violent and not a danger to society. It would prosecute people whose actions are the effect of social problems rather than address the root cause.

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